



A Proclamation by the Governor

WHEREAS, under the provisions of Article II, Section 1 of the Constitution of the State of Washington, there was submitted to the electorate of the State of Washington for their approval or rejection at the state general election held on the 8th day of November, 2016, an initiative to the people, identified as Initiative Measure No. 1433 and entitled:

Initiative Measure No. 1433 concerns labor standards.

This measure would increase the state minimum wage to \$11.00 in 2017, \$11.50 in 2018, \$12.00 in 2019, and \$13.50 in 2020, require employers to provide paid sick leave, and adopt related laws.

WHEREAS, Kim Wyman, as Secretary of State, has on the 7th day of December, 2016, canvassed the votes cast on this measure at the state general election and certified that 1,848,583 votes were cast in favor of Initiative Measure No. 1433 and 1,370,907 votes were cast against Initiative Measure No. 1433; and

WHEREAS, as appears from this certification, a majority of the votes cast on this proposition at the state general election were in favor of its adoption;


NOW, THEREFORE, I, Jay Inslee, Governor of the State of Washington, do hereby proclaim that the proposed law as set forth in Initiative Measure No. 1433 was approved by the voters of the State of Washington.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed this 7th day of December, 2016.


Jay Inslee
Governor


Kim Wyman
Secretary of State

INITIATIVE 1433

To the People

Chapter 2, Laws of 2017

LABOR STANDARDS--MINIMUM WAGE INCREASE--PAID SICK LEAVE

EFFECTIVE DATE: January 1, 2017

Approved by the
People of the State of Washington
in the General Election on
December 7, 2016

ORIGINALLY FILED

January 22, 2016

Secretary of State

1 AN ACT Relating to fair labor standards; amending RCW 49.46.005,
2 49.46.020, 49.46.090, 49.46.100, and 49.46.120; adding new sections
3 to chapter 49.46 RCW; prescribing penalties; and providing an
4 effective date.

5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the intent of the people to
7 establish fair labor standards and protect the rights of workers by
8 increasing the hourly minimum wage to \$11.00 (2017), \$11.50 (2018),
9 \$12.00 (2019) and \$13.50 (2020), and requiring employers to provide
10 employees with paid sick leave to care for the health of themselves
11 and their families.

12 **Sec. 2.** RCW 49.46.005 and 1961 ex.s. c 18 s 1 are each amended
13 to read as follows:

14 (1) Whereas the establishment of a minimum wage for employees is
15 a subject of vital and imminent concern to the people of this state
16 and requires appropriate action by the legislature to establish
17 minimum standards of employment within the state of Washington,
18 therefore the legislature declares that in its considered judgment
19 the health, safety and the general welfare of the citizens of this
20 state require the enactment of this measure, and exercising its

1 police power, the legislature endeavors by this chapter to establish
2 a minimum wage for employees of this state to encourage employment
3 opportunities within the state. The provisions of this chapter are
4 enacted in the exercise of the police power of the state for the
5 purpose of protecting the immediate and future health, safety and
6 welfare of the people of this state.

7 (2) Since the enactment of Washington's original minimum wage
8 act, the legislature and the people have repeatedly amended this
9 chapter to establish and enforce modern fair labor standards,
10 including periodically updating the minimum wage and establishing the
11 forty-hour workweek and the right to overtime pay.

12 (3) The people hereby amend this chapter to conform to modern
13 fair labor standards by establishing a fair minimum wage and the
14 right to paid sick leave to protect public health and allow workers
15 to care for the health of themselves and their families.

16 PART I

17 ESTABLISHING FAIR LABOR STANDARDS BY INCREASING THE MINIMUM HOURLY 18 WAGE TO \$11.00 (2017), \$11.50 (2018), \$12.00 (2019) AND \$13.50 (2020)

19 **Sec. 3.** RCW 49.46.020 and 1999 c 1 s 1 are each amended to read
20 as follows:

21 ~~(1) ((Until January 1, 1999, every employer shall pay to each of~~
22 ~~his or her employees who has reached the age of eighteen years wages~~
23 ~~at a rate of not less than four dollars and ninety cents per hour.~~

24 ~~(2) Beginning January 1, 1999, and until January 1, 2000, every~~
25 ~~employer shall pay to each of his or her employees who has reached~~
26 ~~the age of eighteen years wages at a rate of not less than five~~
27 ~~dollars and seventy cents per hour.~~

28 ~~(3) Beginning January 1, 2000, and until January 1, 2001, every~~
29 ~~employer shall pay to each of his or her employees who has reached~~
30 ~~the age of eighteen years wages at a rate of not less than six~~
31 ~~dollars and fifty cents per hour.~~

32 ~~(4))~~ (a) Beginning January 1, 2017, and until January 1, 2018,
33 every employer shall pay to each of his or her employees who has
34 reached the age of eighteen years wages at a rate of not less than
35 eleven dollars per hour.

36 (b) Beginning January 1, 2018, and until January 1, 2019, every
37 employer shall pay to each of his or her employees who has reached

1 the age of eighteen years wages at a rate of not less than eleven
2 dollars and fifty cents per hour.

3 (c) Beginning January 1, 2019, and until January 1, 2020, every
4 employer shall pay to each of his or her employees who has reached
5 the age of eighteen years wages at a rate of not less than twelve
6 dollars per hour.

7 (d) Beginning January 1, 2020, and until January 1, 2021, every
8 employer shall pay to each of his or her employees who has reached
9 the age of eighteen years wages at a rate of not less than thirteen
10 dollars and fifty cents per hour.

11 (2)(a) Beginning on January 1, ((2001)) 2021, and each following
12 January 1st as set forth under (b) of this subsection, every employer
13 shall pay to each of his or her employees who has reached the age of
14 eighteen years wages at a rate of not less than the amount
15 established under (b) of this subsection.

16 (b) On September 30, ((2000)) 2020, and on each following
17 September 30th, the department of labor and industries shall
18 calculate an adjusted minimum wage rate to maintain employee
19 purchasing power by increasing the current year's minimum wage rate
20 by the rate of inflation. The adjusted minimum wage rate shall be
21 calculated to the nearest cent using the consumer price index for
22 urban wage earners and clerical workers, CPI-W, or a successor index,
23 for the twelve months prior to each September 1st as calculated by
24 the United States department of labor. Each adjusted minimum wage
25 rate calculated under this subsection ((+4)) (2)(b) takes effect on
26 the following January 1st.

27 ((+5)) (3) An employer must pay to its employees: (a) All tips
28 and gratuities; and (b) all service charges as defined under RCW
29 49.46.160 except those that, pursuant to RCW 49.46.160, are itemized
30 as not being payable to the employee or employees servicing the
31 customer. Tips and service charges paid to an employee are in
32 addition to, and may not count towards, the employee's hourly minimum
33 wage.

34 (4) Beginning January 1, 2018, every employer must provide to
35 each of its employees paid sick leave as provided in Part II of this
36 act.

37 (5) The director shall by regulation establish the minimum wage
38 for employees under the age of eighteen years.

39 **PART II**

**ESTABLISHING FAIR LABOR STANDARDS BY REQUIRING EMPLOYERS TO
PROVIDE PAID SICK LEAVE TO EMPLOYEES**

NEW SECTION. **Sec. 4.** The demands of the workplace and of families need to be balanced to promote public health, family stability, and economic security. It is in the public interest to provide reasonable paid sick leave for employees to care for the health of themselves and their families. Such paid sick leave shall be provided at the greater of the newly increased minimum wage or the employee's regular and normal wage.

NEW SECTION. **Sec. 5.** (1) Beginning January 1, 2018, every employer shall provide each of its employees paid sick leave as follows:

 (a) An employee shall accrue at least one hour of paid sick leave for every forty hours worked as an employee. An employer may provide paid sick leave in advance of accrual provided that such front-loading meets or exceeds the requirements of this section for accrual, use, and carryover of paid sick leave.

 (b) An employee is authorized to use paid sick leave for the following reasons:

 (i) An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

 (ii) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

 (iii) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

 (c) An employee is authorized to use paid sick leave for absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

1 (d) An employee is entitled to use accrued paid sick leave
2 beginning on the ninetieth calendar day after the commencement of his
3 or her employment.

4 (e) Employers are not prevented from providing more generous paid
5 sick leave policies or permitting use of paid sick leave for
6 additional purposes.

7 (f) An employer may require employees to give reasonable notice
8 of an absence from work, so long as such notice does not interfere
9 with an employee's lawful use of paid sick leave.

10 (g) For absences exceeding three days, an employer may require
11 verification that an employee's use of paid sick leave is for an
12 authorized purpose. If an employer requires verification,
13 verification must be provided to the employer within a reasonable
14 time period during or after the leave. An employer's requirements for
15 verification may not result in an unreasonable burden or expense on
16 the employee and may not exceed privacy or verification requirements
17 otherwise established by law.

18 (h) An employer may not require, as a condition of an employee
19 taking paid sick leave, that the employee search for or find a
20 replacement worker to cover the hours during which the employee is on
21 paid sick leave.

22 (i) For each hour of paid sick leave used, an employee shall be
23 paid the greater of the minimum hourly wage rate established in this
24 chapter or his or her normal hourly compensation. The employer is
25 responsible for providing regular notification to employees about the
26 amount of paid sick leave available to the employee.

27 (j) Unused paid sick leave carries over to the following year,
28 except that an employer is not required to allow an employee to carry
29 over paid sick leave in excess of forty hours.

30 (k) This section does not require an employer to provide
31 financial or other reimbursement for accrued and unused paid sick
32 leave to any employee upon the employee's termination, resignation,
33 retirement, or other separation from employment. When there is a
34 separation from employment and the employee is rehired within twelve
35 months of separation by the same employer, whether at the same or a
36 different business location of the employer, previously accrued
37 unused paid sick leave shall be reinstated and the previous period of
38 employment shall be counted for purposes of determining the
39 employee's eligibility to use paid sick leave under subsection (1)(d)
40 of this section.

(2) For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;

(c) A spouse;

(d) A registered domestic partner;

(e) A grandparent;

(f) A grandchild; or

(g) A sibling.

(3) An employer may not adopt or enforce any policy that counts the use of paid sick leave time as an absence that may lead to or result in discipline against the employee.

(4) An employer may not discriminate or retaliate against an employee for his or her exercise of any rights under this chapter including the use of paid sick leave.

PART III

MISCELLANEOUS

NEW SECTION. **Sec. 6.** (1) Beginning January 1, 2017, all existing rights and remedies available under state or local law for enforcement of the minimum wage shall be applicable to enforce all of the rights established under this act.

(2) The state shall pay individual providers, as defined in RCW 74.39A.240, in accordance with the minimum wage, overtime, and paid sick leave requirements of this chapter.

Sec. 7. RCW 49.46.090 and 2010 c 8 s 12043 are each amended to read as follows:

(1) Any employer who pays any employee less than ~~((wages))~~ the amounts to which such employee is entitled under or by virtue of this chapter, shall be liable to such employee affected for the full amount ~~((of such wage rate))~~ due to such employee under this chapter, less any amount actually paid to such employee by the employer, and

1 for costs and such reasonable attorney's fees as may be allowed by
2 the court. Any agreement between such employee and the employer (~~to~~
3 ~~work for~~)) allowing the employee to receive less than ((such wage
4 ~~rate))~~ what is due under this chapter shall be no defense to such
5 action.

6 (2) At the written request of any employee paid less than the
7 (~~wages~~)) amounts to which he or she is entitled under or by virtue
8 of this chapter, the director may take an assignment under this
9 chapter or as provided in RCW 49.48.040 of such (~~wage~~)) claim in
10 trust for the assigning employee and may bring any legal action
11 necessary to collect such claim, and the employer shall be required
12 to pay the costs and such reasonable attorney's fees as may be
13 allowed by the court.

14 **Sec. 8.** RCW 49.46.100 and 2010 c 8 s 12044 are each amended to
15 read as follows:

16 (1) Any employer who hinders or delays the director or his or her
17 authorized representatives in the performance of his or her duties in
18 the enforcement of this chapter, or refuses to admit the director or
19 his or her authorized representatives to any place of employment, or
20 fails to make, keep, and preserve any records as required under the
21 provisions of this chapter, or falsifies any such record, or refuses
22 to make any record accessible to the director or his or her
23 authorized representatives upon demand, or refuses to furnish a sworn
24 statement of such record or any other information required for the
25 proper enforcement of this chapter to the director or his or her
26 authorized representatives upon demand, or pays or agrees to pay
27 (~~wages at a rate less than the rate applicable~~)) an employee less
28 than the employee is entitled to under this chapter, or otherwise
29 violates any provision of this chapter or of any regulation issued
30 under this chapter shall be deemed in violation of this chapter and
31 shall, upon conviction therefor, be guilty of a gross misdemeanor.

32 (2) Any employer who discharges or in any other manner
33 discriminates against any employee because such employee has made any
34 complaint to his or her employer, to the director, or his or her
35 authorized representatives that he or she has not been paid wages in
36 accordance with the provisions of this chapter, or that the employer
37 has violated any provision of this chapter, or because such employee
38 has caused to be instituted or is about to cause to be instituted any
39 proceeding under or related to this chapter, or because such employee

1 has testified or is about to testify in any such proceeding shall be
2 deemed in violation of this chapter and shall, upon conviction
3 therefor, be guilty of a gross misdemeanor.

4 **Sec. 9.** RCW 49.46.120 and 1961 ex.s. c 18 s 4 are each amended
5 to read as follows:

6 This chapter establishes ((a)) minimum standards for wages, paid
7 sick leave, and working conditions of all employees in this state,
8 unless exempted herefrom, and is in addition to and supplementary to
9 any other federal, state, or local law or ordinance, or any rule or
10 regulation issued thereunder. Any standards relating to wages, hours,
11 paid sick leave, or other working conditions established by any
12 applicable federal, state, or local law or ordinance, or any rule or
13 regulation issued thereunder, which are more favorable to employees
14 than the minimum standards applicable under this chapter, or any rule
15 or regulation issued hereunder, shall not be affected by this chapter
16 and such other laws, or rules or regulations, shall be in full force
17 and effect and may be enforced as provided by law.

18 NEW SECTION. **Sec. 10.** The state department of labor and
19 industries must adopt and implement rules to carry out and enforce
20 this act, including but not limited to procedures for notification to
21 employees and reporting regarding sick leave, and protecting
22 employees from retaliation for the lawful use of sick leave and
23 exercising other rights under this chapter. The department's rules
24 for enforcement of rights under this act shall be at least equal to
25 enforcement of the minimum wage.

26 NEW SECTION. **Sec. 11.** The provisions of this act are to be
27 liberally construed to effectuate the intent, policies, and purposes
28 of this act. Nothing in the act precludes local jurisdictions from
29 enacting additional local fair labor standards that are more
30 favorable to employees, including but not limited to more generous
31 minimum wage or paid sick leave requirements.

32 NEW SECTION. **Sec. 12.** This act shall be codified in chapter
33 49.46 RCW and is subject to RCW 49.46.040 (Investigation, etc.) and
34 RCW 49.46.070 (Recordkeeping).

1 NEW SECTION. **Sec. 13.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 14.** This act takes effect on January 1, 2017.